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DATE: July 28, 2004

TO: Examiner Mark A. Chapman
Group Art Unit 1756

FAX #: 703-872-9306

PHONE #: 571-272-1381

Application No.: 10/748,496

OUR REF.: 3216.38US03

Applicant: Jubran

Due Date: August 13, 2004

FROM: Kam W. Law
PHONE #: 612-252-1549

Attached please find the following document for filing in the above-identified patent application:

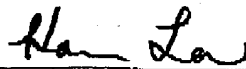
Response to Restriction Requirement dated July 13, 2004 (3 pgs)

Sincerely,

Kam W. Law
Reg. 44,205

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to Examiner Mark A. Chapman at the U.S. Patent and Trademark Office, Fax No. 703-872-9306 on the date shown below thereby constituting filing of same.

July 28, 2004
Date
Kam W. Law

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3216.38US03

Jubran

Confirmation No.: 8731

Application No.: 10/748,496

Examiner: Mark A. Chapman

Filed: December 30, 2003

Group Art Unit: 1756

For: ELECTROGRAPHIC ORGANORECEPTORS WITH NOVEL CHARGE
TRANSPORT COMPOUNDS

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop No-Fee Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action of July 13, 2004, amendment to the above-identified patent application is requested.

The present amendment comprises the following sections:

A. Remarks

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF FACSIMILE TRANSMISSION

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Date

7/28/2004

Kam W. Law

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Application No. 10/748,496

REMARKS

Claims 1-37 are pending. The pending claims are subject to a restriction/election requirement. Please consider the following comments.

Restriction/Election

The Examiner imposed a restriction requirement under 35 U.S.C. §121 indicating that there were two distinct inventions, i.e., claims 1-29 in Group I and claims 30-37 in group II. Applicants hereby elect Group I, claims 1-29 with traverse.

The examiner asserted that Invention I and Invention II are unrelated because they are not capable of use together and are independent and distinct compounds. Invention are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effect. See MPEP §§806.04 and 808.01. The specification, for example, at p. 52, lines 19-27, discloses that a mixture of charge transport compounds (such as charge transport compound 1 and charge transport compound 2, and a charge transport compound of Group I and a charge transport compound of Group II) of this invention are capable of used together in the charge transport layer of an inverse dual layer (IDL) construction. Arguably, the charge transport compounds of Group I and the charge transport compounds of Group II have the same modes of operation, same functions, and same effect because they act as charge transport compound. Therefore, Invention I and Invention II are related and dependent.

The examiner further asserted that the restriction is proper because Invention I and Invention II are distinct and the search required for group I is not required for group II. Applicants respectfully submits that the restriction is improper. The two inventions are related for the reasons mentioned above. For related and distinct inventions, in order to establish reasons for insisting upon restriction, the Examiner must show by appropriate explanation one of the followings: (1) separate classification of distinct inventions; (2) separate status in the art when they are classifiable together; and (3) a different field of search. See MPEP §§808.02. In this case, both Invention I and Invention II have the same classification, i.e., class 430, subclass

Application No. 10/748,496

58.6. A separate status in the art can be shown if an explanation indicates a recognition of separate invention effort by inventors. See MPEP §§808.02. No such explanation was provided by the Examiner. The Examiner merely asserted that the search required for group I is not required for group II. Even if this assertion is true, the Examiner neither asserted nor provided an explanation to that the search required for group I and the search required for group II are in different fields. In conclusion, the Examiner failed to establish reasons for insisting upon restriction.

Furthermore, when the inventions are either independent or distinct, a restriction is proper only if the examination of all of the claims would present a serious burden on the Examiner. See MPEP §803. All of the present claims in Group I and Group II are claims relating to charge transport compounds having at least two hydrazone groups linked together by a bridging group. Arguably, the two inventions belong to the same classification, same status in the art, and same field of search for the reasons mentioned above. Therefore, Applicants do not believe that an examination of all of the claims would present a significant burden.

In conclusion, the inventions are related and dependent. Even if they are distinct, the Examiner failed to establish reasons for insisting upon restriction. Furthermore, the examination of all of the claims will not present a significant burden. Therefore, Applicants respectfully request the withdrawal of the restriction requirement.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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